



Security Council

Distr.
GENERAL

S/25031
15 June 1993

ORIGINAL: ENGLISH

LETTER DATED 15 JUNE 1993 FROM THE PERMANENT REPRESENTATIVE OF THE
UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO
THE PRESIDENT OF THE SECURITY COUNCIL

On behalf of the Unified Command established pursuant to Security Council resolution 84 (1950) of 7 July 1950, I have the honour to submit a report of the United Nations Command (UNC) concerning the maintenance of the Armistice Agreement of 1953. The enclosed report describes UNC missions, outlines the Korean Armistice mechanism, and updates the last report submitted to the United Nations Security Council on 15 June 1992.

I request that this letter, together with the enclosed report of the United Nations Command, be circulated as a document of the Security Council.

(Signed) Madeleine K. ALBRIGHT
Permanent Representative

Annex

REPORT OF THE ACTIVITIES OF THE UNITED NATIONS COMMAND, 1992

I. UNITED NATIONS COMMAND AND ITS MISSION

1. United Nations Security Council resolution 84 (1950) of 7 July 1950 determined that the armed attack upon the Republic of Korea (ROK) by forces from North Korea constituted a breach of the peace; recommended that Members of the United Nations furnish such assistance to the ROK as may be necessary to repel the armed attack and to restore international peace and security in the region; and called for United Nations Member States to make military forces and other assistance available to a unified command under the United States for operations against North Korean armed aggression. Resolution 84 (1950) also requested that the United States designate the commander for the unified command and provide the Security Council with reports as appropriate on actions taken by the unified command. The United States and 15 other Member States of the United Nations provided military forces to the unified command which was later named the United Nations Command (UNC). This prompt and sustained "collective action" against North Korean aggression gained United Nations objectives through the Korean Armistice Agreement. The Commander-in-Chief, UNC (CINCUNC) signed the 27 July 1953 Korean Armistice Agreement on behalf of all the forces of the 16 United Nations Member States and the Republic of Korea, which fought under the United Nations flag. United Nations General Assembly resolution 711 (VII) of 28 August 1953 acknowledged the receipt of a CINCUNC special report of 7 August 1953 on the Armistice in Korea and saluted the heroic soldiers of the Republic of Korea and of all those countries which sent armed forces to repel North Korean aggression. The United Nations General Assembly resolution 811 (IX) of 11 December 1954 noted paragraph 62 of the Armistice Agreement of 27 July 1953 providing that the Agreement "shall remain in effect until expressly superseded either by mutually acceptable amendments and additions or by provision in an appropriate agreement for a peaceful settlement at a political level between both sides", and reaffirmed that the objectives of the United Nations remain the achievement by peaceful means of a unified, independent and democratic Korea and the full restoration of international peace and security in the area. Pursuant to paragraph 17 of the Armistice Agreement, all CINCUNC successors in command are responsible for compliance with and enforcement of the terms and provisions of the Armistice Agreement. UNC continues to carry out its functions and fulfil its obligations under the mandate of the Armistice Agreement. Of the original 16 United Nations Member nations that provided military forces to the UNC during the Korean War, nine nations are represented today. They are Australia, Canada, Colombia, France, New Zealand, the Philippines, Thailand, the United Kingdom of Great Britain and Northern Ireland and the United States. Officers from these nations participate in many UNC activities, including multinational investigations of serious Armistice violations, such as weapons firings and the presence of illegal weapons in the demilitarized zone (DMZ). The present report updates the United Nations Command report to the United Nations Security Council on the maintenance of the Korean Armistice of 15 June 1992 (S/24466).

II. ARMISTICE MECHANISM AND PROCEDURES

2. The Korean Armistice Agreement, which is intended to be purely military in character and pertains solely to the belligerents in Korea, is to ensure a complete cessation of all hostilities in Korea by all armed forces of the opposing sides until "a final peaceful settlement is achieved". CINCUNC signed the Armistice Agreement on behalf of all military forces under the unified command, and the Commanders of the Korean People's Army (KPA) and the Chinese People's Volunteers (CPV) signed the Agreement on behalf of the communist forces.

A. Military Armistice Commission

3. The Armistice Agreement established the Military Armistice Commission (MAC) "to supervise the implementation of this Armistice Agreement and to settle through negotiations any violations of this Armistice Agreement". The Commission is a joint organization composed of 10 military members: five senior officers from the UNC and five senior officers from the KPA/CPV. In accordance with paragraph 20 of the Armistice Agreement, CINCUNC appoints five senior officers drawn from the Republic of Korea, the United States, the United Kingdom and other United Nations Member nations represented in UNC. MAC meetings can be held at the request of either side in the Joint Security area, more commonly known as Panmunjom, in the DMZ. The Armistice Agreement also provides for a joint secretariat to assist MAC in administrative matters. Under the Agreement, each side, UNC and KPA/CPV, appoints a Secretary, Assistant Secretary and other special assistants, as required, to perform functions assigned by MAC. A key part of this organization is the Joint Duty Office, located in the Joint Security Area, which maintains 24-hour telephone communications between the joint duty officers of each side. The joint duty officers also meet as required and serve as the basic channel of communications between the two opposing sides. There have been 460 plenary sessions of MAC and 508 meetings of MAC Secretaries since the Armistice Agreement was signed. MAC, or the Senior Member of either side, is authorized by paragraph 27 of the Armistice Agreement to dispatch joint observer teams to investigate reported violations of the Armistice Agreement that occur within the DMZ. The KPA/CPV have frustrated this important investigative function by refusing to participate in more than 170 joint investigations proposed by UNC since April 1967. UNC, however, continues to dispatch its joint observer teams into the UNC portion of the DMZ to conduct unilateral investigations of alleged armistice violations reported to have occurred in the DMZ and to supervise implementation of the Armistice Agreement provisions pertaining to the DMZ. In 1992, UNC dispatched its joint observer teams into the DMZ on more than 80 occasions to carry out these functions and to educate UNC security guards in the DMZ concerning their responsibilities under the Armistice Agreement.

B. Neutral Nations Supervisory Commission

4. The Neutral Nations Supervisory Commission (NNSC), as established in accordance with paragraph 37 of the Armistice Agreement, is composed of four senior officers, two of whom are appointed by "neutral nations" nominated by the Commander-in-Chief, United Nations Command, namely, Sweden and Switzerland, and

two of whom are appointed by "neutral nations" nominated by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, namely, Poland and Czechoslovakia. The term "neutral nations" in the Armistice Agreement is defined as nations whose combatant forces did not participate in the Korean War. NNSC's primary function is to conduct independent inspections and investigations of Armistice violations outside the DMZ and to report its findings to the Military Armistice Commission. Although its basic mission and functions were curtailed due to KPA/CPV obstructions and subterfuge that began within a few years after the signing of the Armistice, NNSC continues to remain an integral part of the Korean Armistice. NNSC provides a useful and stabilizing influence in the Joint Security Area, which is the conference site for the MAC, NNSC and North-South talks. NNSC continues to hold weekly meetings in the Joint Security Area to discuss armistice-related reports submitted by MAC. There have been reports that North Korea intends to ask the Czechoslovakian delegation to withdraw from NNSC when Czechoslovakia splits into two separate States on 1 January 1993. These reports have led to the suspicion that North Korea may have an ulterior motive to disband NNSC. UNC has informally registered its strong opposition to the reported North Korean attempts to disassemble NNSC, an integral part of the Korean Armistice, by expelling the Czechoslovakian delegation and refusing the Czech Republic as a successor or nominating another "neutral nation" to succeed Czechoslovakia in accordance with paragraph 37 of the Armistice Agreement. UNC will continue to call upon North Korea to nominate a successor for Czechoslovakia without delay so that NNSC may continue to function without disruption. This process requires that the Democratic People's Republic of Korea nominate a successor and seek UNC agreement in accordance with paragraph 37 of the Armistice Agreement. The Security Council will be kept informed of further developments on this issue in future reports.

C. Role of the Republic of Korea

5. A unique feature of the Korean Armistice Agreement is that no individual nation or Government is a signatory to the Agreement. CINCUNC signed the Armistice Agreement on behalf of UNC, which consists of the military forces from 16 United Nations Member States and the Republic of Korea. It is not a political document; it is "purely military in character and pertains solely to the belligerents in Korea". During the Armistice negotiations and afterwards, at the specific request of the KPA/CPV side, the Government of the Republic of Korea, through UNC, furnished assurances that it would abide by the Armistice Agreement. Senior military officers of the Republic of Korea have served regularly as MAC members for the last 39 years. Furthermore, a Republic of Korea general officer now serves as MAC spokesman (Senior Member), ROK forces now provide all of the UNC "DMZ police" and the Republic of Korea Army is assuming a larger proportional role in the Joint Security Area security force.

III. UNITED NATIONS COMMAND MILITARY ARMISTICE COMMISSION ACTIVITIES

6. Military Armistice Commission meetings are normally called to discuss serious violations of the Armistice Agreement and other significant Armistice Agreement-related issues. These meetings, as well as the 24-hour Joint Duty

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Office "hotline" between the two sides, serve to prevent further escalation of military tension that may result from incidents and misunderstandings. Charges of Armistice violations are passed telephonically through the Joint Duty Office at Panmunjom as a means to resolve violations. The Commission is a proven means for communicating between the opposing military commanders during crisis and is used continuously by both sides.

A. Republic of Korea Senior Member

7. In accordance with paragraph 20 of the Korean Armistice Agreement, CINCUNC appointed Major General Hwang Won-tak, Republic of Korea Army, as the UNCMAC Senior Member, effective 25 March 1991. The KPA/CPV component of MAC was officially notified of General Hwang's appointment through a joint duty officers meeting held at Panmunjom on 25 March 1991. Acting on instructions from his superiors, the KPA joint duty officer rejected General Hwang's credentials under the pretext that the Republic of Korea is not a signatory to the Armistice Agreement and cannot represent the United Nations Command. UNC has told the KPA/CPV side that paragraph 20 of the Armistice Agreement does not stipulate nationality of MAC members, exclude membership from any particular country, or state which country provides the senior spokesman. Opposing commanders have discretionary authority to appoint their respective representatives to the Commission, and such appointments cannot be subject to review or approval by the other side. In accordance with paragraph 24 of the Armistice Agreement, UNC proposed the 460th MAC plenary meeting for 29 May 1992 to protest a North Korean armed infiltration through the DMZ on 22 May 1992, an action that was in gross violation of the preamble and paragraphs 6, 7, 12 and 14 of the Armistice Agreement. The armed infiltration from the Democratic People's Republic of Korea and attack resulted in the death of three infiltrators from the Democratic People's Republic of Korea and the wounding of two soldiers from the Republic of Korea. The UNCMAC delegation headed by Army Major General Hwang Won-tak of the Republic of Korea, Senior Member, entered the MAC Conference Room in the Joint Security Area to conduct the plenary meeting on 29 May 1992, as proposed, but the KPA/CPV boycotted the meeting. KPA/CPV failure to attend the MAC plenary meeting, as demonstrated by this occasion, threatens the stability and crisis management procedures established by the Armistice Agreement. Therefore, CINCUNC submitted a special report to the United Nations Security Council (S/24467), 15 June 1992, describing this serious breach of the Armistice Agreement by North Korea. Although formal MAC plenary meetings have not been held since the appointment of a general officer of the Republic of Korea as the UNCMAC Senior Member, the Joint Duty Office "hotline" in the Joint Security Area is used by both sides, and MAC Secretaries continue to meet to discuss and resolve Armistice-related issues. During 1992, one formal MAC Secretaries meeting was held to repatriate the remains of a Republic of Korea victim of drowning. This action was in accordance with the established custom.

B. UNC remains issue

8. In December 1991, KPA MAC officers informally stated that the Democratic People's Republic of Korea had discovered 30 sets of "United States war remains" and that they would repatriate the remains in the near future. The KPA repatriated 15 sets of remains on 13 May 1992 and another 15 sets of remains on

28 May 1992. The discovery and repatriation of these UNC war remains in May 1992 indicates that there may be many more deceased UNC war remains in the Democratic People's Republic of Korea. Therefore, UNC requested that the KPA continue to search for, disinter and repatriate UNC war remains for humanitarian reasons, and entered into discussions seeking to formalize discovery and repatriation procedures.

IV. NORTH-SOUTH RELATIONS

9. The admission of the Democratic People's Republic of Korea and the Republic of Korea into the United Nations in September 1991 has no effect on the status of UNC and does not change its responsibility under the Security Council resolutions of 1950. UNC continues to perform an important role in maintaining peace on the Korean Peninsula, particularly in maintaining the Armistice until it is replaced by a durable peace. The 13 December 1991 Agreement on Reconciliation, Non-aggression and Cooperation and Exchange (ARNE) between the North and the South, which was put into effect in February 1992, and the "Annex Agreements" to the ARNE, signed in September 1992, clearly stipulate that the existing Armistice Agreement must be maintained until replaced by a durable peace. If fully implemented, the ARNE could lead to tension reduction on the Korean Peninsula. Such an outcome, however, remains dependent on the abilities of both sides to reach agreements on serious issues still blocking the actual implementation of this accord. As of the date of this report none of the implementing measures are operating.

V. CONCLUSIONS

10. For the past 39 years, UNC has been vital in preventing the escalation of hostilities on the Korean peninsula. Through the established MAC process UNC has managed and defused thousands of incidents and maintained the central premise of the Armistice Agreement. The DMZ remains one of the most tense and heavily armed borders in the world. As this report is produced, approximately 1.8 million armed soldiers are arrayed along this short strip of land. The value of the Armistice Agreement and the critical nature of UNC remain the best guarantee that the Korean struggle may end peacefully.

Appendix

MAJOR INCIDENT, THE KOREAN WAR REMAINS ISSUE AND PERTINENT ARMISTICE AGREEMENT PROVISIONS

1. North Korean armed infiltration through the DMZ

Late in the evening of 21 May 1992, three heavily armed North Korean infiltrators crossed the military demarcation line (MDL) into the central sector of the United Nations Command (UNC) portion of the demilitarized zone (DMZ). The following morning, 22 May 1992, UNC security guards challenged the three North Korean armed infiltrators and a firefight occurred. In the ensuing exchange of fire, two North Korean infiltrators were killed and a UNC security guard was wounded. Later, in the afternoon of 22 May 1992, the third North Korean infiltrator was killed in another firefight with UNC security guards. Another UNC security guard was wounded in the second firefight. North Korea violated paragraphs 6, 7, 12 and 14 of the Armistice Agreement by infiltrating armed intruders and committing hostile acts against UNC security guards in the DMZ. (Note: for further details, see UNC special report to the United Nations Security Council (S/24467), 15 June 1992.)

2. War remains issue

(a) Paragraph 13 (f) of the Armistice Agreement stipulates, in part, that within a definite time-limit after the Armistice Agreement becomes effective (27 July 1953), graves registration personnel should proceed to the burial places of the deceased military personnel of the opposing side, based on the information provided, and recover and evacuate the Korean War remains. At the 47th MAC meeting held on 17 August 1954, both sides agreed to the "Understanding on Administrative Details for the Delivery and Reception of Bodies of Military Personnel of Both Sides". The "Understanding" on the return of Korean War remains calls for each side to "disinter" and transport the remains to the designated point of exchange in the DMZ. In accordance with this "Understanding" hundreds of Korean War remains were exchanged. This exchange programme was terminated by the agreement of both sides on 30 October 1954 with the exception of its paragraph 20, which stipulates, "In the event that either side discovers in its territory bodies of military personnel belonging to the other side after the termination of this Understanding, the delivery and reception of such bodies shall be arranged through the Secretaries of both sides of the MAC." Each side is, therefore, obligated to return Korean War military remains when they are "discovered" in accordance with paragraph 20 of the "Understanding", which is still valid.

(b) KPA has maintained, over the years, that if and when Korean War remains were "discovered by chance" during construction work or by the work of nature, they will be repatriated through the MAC Secretaries in accordance with paragraph 20 of the "Understanding", but they have no obligation to search for UNC war remains under the mandate of the Armistice Agreement. On the other hand, the UNC has maintained that both sides should work together for humanitarian reasons.

3. Pertinent Armistice Agreement provisions

Paragraph 6: Neither side shall execute any hostile act within, from, or against the demilitarized zone.

Paragraph 7: No person, military or civilian, shall be permitted to cross the military demarcation line unless specifically authorized to do so by the Military Armistice Commission.

Paragraph 12: The Commanders of the opposing sides shall order and enforce a complete cessation of all hostilities in Korea by all armed forces under their control, including all units and personnel of the ground, naval, and air forces, effective twelve (12) hours after this Armistice Agreement is signed. (See paragraph 63 hereof for the effective date and hour of the remaining provisions of this Armistice Agreement.)

Paragraph 14: This Armistice Agreement shall apply to all opposing ground forces under the military control of either side, which ground forces shall respect the demilitarized zone and the area of Korea under the military control of the opposing side.

Paragraph 17: Responsibility for compliance with and enforcement of the terms and provisions of this Armistice Agreement is that of the signatories hereto and their successors in command. The Commanders of the opposing sides shall establish within their respective commands all measures and procedures necessary to ensure complete compliance with all of the provisions hereof by all elements of their commands. They shall actively cooperate with one another and with the Military Armistice Commission and the Neutral Nations Supervisory Commission in requiring observance of both the letter and the spirit of all of the provisions of this Armistice Agreement.

Paragraph 20: The Military Armistice Commission shall be composed of ten (10) senior officers, five (5) of whom shall be appointed by the Commander-in-Chief, United Nations Command, and five (5) of whom shall be appointed jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. Of the ten members, three (3) from each side shall be of general or flag rank. The two (2) remaining members on each side may be major generals, brigadier generals, colonels, or their equivalents.

Paragraph 24: The general mission of the Military Armistice Commission shall be to supervise the implementation of this Armistice Agreement and to settle through negotiations any violations of this Armistice Agreement.

Paragraph 26: The mission of the Joint Observer Teams shall be to assist the Military Armistice Commission in supervising the carrying out of the provisions of this Armistice Agreement pertaining to the demilitarized zone and to the Han river estuary.

Paragraph 27: The Military Armistice Commission, or the senior member of either side thereof, is authorized to dispatch Joint Observer Teams to investigate violations of this Armistice Agreement reported to have occurred in the demilitarized zone or in the Han river estuary, provided, however, that not more than one half of the Joint Observer Teams which have not been dispatched by

the Military Armistice Commission may be dispatched at any one time by the Senior Member of either side on the Commission.

Paragraph 37: The Neutral Nations Supervisory Commission shall be composed of four (4) senior officers, two (2) of whom shall be appointed by neutral nations nominated by the Commander-in-Chief, United Nations Command, namely, Sweden and Switzerland, and two (2) of whom shall be appointed by neutral nations nominated jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, namely, Poland and Czechoslovakia. The term "neutral nations" as herein used is defined as those nations whose combatant forces have not participated in the hostilities in Korea. Members appointed to the Commission may be from the armed forces of the appointing nations. Each member shall designate an alternate member to attend those meetings which for any reason the principal member is unable to attend. Such alternate members shall be of the same nationality as their principals. The Neutral Nations Supervisory Commission may take action whenever the number of members present from the neutral nations nominated by one side is equal to the number of members present from the neutral nations nominated by the other side.

Paragraph 61: Amendments and additions to this Armistice Agreement must be mutually agreed to by the Commanders of the opposing sides.

Paragraph 62: The articles and paragraphs of this Armistice Agreement shall remain in effect until expressly superseded either by mutually acceptable amendments and additions or by provision in an appropriate agreement for a peaceful settlement at a political level between both sides.
